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DEC 02 2005

In re Application of : **OFFICE OF PETITIONS**  
Dennis W. Wahr et al :  
Application No. 09/870,813 : DECISION GRANTING PETITION  
Filed: June 1, 2001 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 08386.0004 :

This is a decision on the petition, filed December 1, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on July 19, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

There is no indication that petitioner herein, Mr. Edward M. Arons, was ever given a power of attorney to prosecute this application. However, in accordance with 37 CFR 1.34, the signature of Mr. Arons appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

particular party in whose behalf he acts. If Mr. Arons desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Arons. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3731 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

A handwritten signature in cursive script that reads "Frances Hicks". The signature is written in dark ink and is positioned above the printed name.

Frances Hicks  
Petitions Examiner  
Office of Petitions

cc:

Edward M. Arons  
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